

is wreaking havoc with the country. For the first time in 230 years, they rule the President cannot make a recess appointment. So, yes, there is a crisis, and we need to do something about it. One way to resolve part of it is to get this good man on the court now.

The ACTING PRESIDENT pro tempore. The Republican leader.

Mr. MCCONNELL. Mr. President, I gather, listening to the majority leader, the whole purpose is to stack the court. So the real issue, I guess, is he disagrees with the rulings on the DC Circuit.

Look, we have been voting to confirm judges we know we will not prefer the outcome of their decisions. But it sounds to me like the majority leader has finally kind of fessed up to what the real problem is. The reason it needs to be done this week versus next week is because he does not like what the DC Circuit is doing. So it does not have anything to do with caseload or anything else. In fact, what is unprecedented is confirming a DC Circuit court judge 2 days after he has been on the calendar—2 days. Goodness. What is the difference between now and next week? I find it impossible to understand.

In fact, I do not understand why we are having this whole discussion this morning. We have plenty of things to debate around here and plenty of things we disagree upon. We have had an orderly process. This Congress has done well: 19 judges compared to 4 for President Bush at this point.

If there is still a consent request pending, I object.

The ACTING PRESIDENT pro tempore. Objection is heard.

Mr. MCCONNELL. I think the majority leader and I ought to sit down like we normally do and figure this out and eliminate a manufactured crisis and go forward.

The ACTING PRESIDENT pro tempore. The majority leader.

Mr. REID. Mr. President, in school we studied a lot of things. But one of the things I cannot forget is George Orwell's "1984." It was an interesting book because in that book he talked about people coming to a time when whatever they said was factually just the opposite.

Here is where we are now. It has been legislatively determined the DC Circuit should have 11 members. My friend says we are stacking the court? There are four vacancies. Stacking the court by having eight there instead of seven? That math is not very good.

My friend also keeps talking about that the DC Circuit does not have anything to do. The DC Circuit is now more than one-third vacant with four judicial vacancies. Mr. Srinivasan is nominated to the eighth seat on the DC Circuit. Three still remain empty.

And, yes, we are. The country is concerned about the decisions coming out of that court. The DC Circuit Court of Appeals is considered by some the most

important court in the land. But by virtually everybody, it is "the second most important court in the land" because of the complex nature of the cases they handle. The court reviews complicated decisions and rulemaking of many Federal agencies and in recent years has handled some of the most important terrorism and enemy combatant and detention cases since the attacks of September 11. These cases are very complex in nature, requiring additional time for consideration.

Congress took action to address these concerns about their caseload by decreasing the number of judgeships in 2008 from 12 to 11. Congress has set the number of judgeships needed by the court at 11. The court should not be understaffed by one-third.

In reality, according to the Administrative Office of U.S. Courts, the caseload per active judge has increased by 50 percent since 2005, when the Senate confirmed President Bush's nominee to fill the 11th seat on the DC Circuit.

So Senate Republicans willingly confirmed President Bush's nominees to the 9th, 10th, and 11th seats on the DC Circuit. We did not think they were stacking it. I did not particularly like some of the people they put on there, but it was not stacking it. That is what the legislation called for.

This good man is President Obama's second nominee to the DC Circuit to fill the eighth seat, and they filibustered Halligan twice.

So this is a situation that needs to be resolved quickly. We cannot have the second, or first, most important court in the land one-third vacant. We are stacking the court with one person? I think not.

So we can stay here longer, but I have made my point. One thing I have to say to my friend, although we have gotten into a few of these little conversations before on the Senate floor, I will wind up getting the last word.

The ACTING PRESIDENT pro tempore. The Republican leader.

Mr. MCCONNELL. Yes, I know the majority leader will always have the last word. That is the advantage of being in the majority and not the minority. I think it has been actually a good discussion this morning. I think we have demonstrated there is no real problem. We have confirmed the President's nominees both for the judiciary and for the executive branch in a very timely fashion, and we will continue to process these judges in consultation with the majority leader as they come along.

The ACTING PRESIDENT pro tempore. The majority leader.

Mr. REID. Mr. President, the only thing I would say is, what about the judge from Wyoming? Why don't we do that today? Could there be a more Republican State in the country than Wyoming? Maybe. I do not know. Maybe Idaho is vying for No. 1. But I am willing to approve this judge today. Why don't we vote on him today?

Well, if you want to go ahead and have us invoke cloture on this other

guy, we will do that, but I am willing to vote on the Wyoming guy today.

Mr. MCCONNELL. Since the majority leader always reminds me he has the last word, I am hesitant to speak again. But we will continue to process these judges in an orderly fashion, as we have all year long, and, hopefully, he and I can discuss this further off the floor and find a way forward.

Mr. REID. I do not want anyone thinking I am not keeping my word. I was not going to say anything, but I thought I said I would get the last word.

So Senator MCCONNELL can say something now, and I will not get the last word.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will be in a period of morning business for 1 hour, with Senators permitted to speak therein for up to 10 minutes each, with the Republicans controlling the first half.

The Senator from Arkansas.

IRS SCANDAL

Mr. BOOZMAN. Mr. President, I am very much appreciative of the Senator from Kentucky and the Senator from Nevada having this very important discussion.

Washington tends to operate inside a bubble where one can easily forget just how much Main Street America is hurting economically, how many Americans feel their rights are being threatened, and how many fear we are not going to leave behind a better country for our children.

That is why it is so important we stay connected to our constituents. It is why I travel home almost every weekend, hold telephone and online townhalls from my Washington office, and try to read my mail, which is so very important.

In a recent townhall I answered some difficult questions on the issues we are facing as a nation. However, one of the toughest questions that was posed was not about a specific policy issue. Instead, it was when I was asked: How do we fix the mess in Washington?

I answered, in part, that transparency and accountability would go a long way to restoring faith in Washington. That was before the Benghazi controversy escalated. Then news of the IRS scandal broke. Almost immediately after that we learned the Department of Justice had obtained the private phone records of dozens of Associated Press reporters.

This is the opposite of what we need to do to fix the problems in Washington. These scandals move us in the wrong direction.